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the present government threatens to produce a general upheaval in the Central American States. It is sincerely to be hoped that if the revolt against the dictatorship of Barrios should be successful, the result may not be the breaking up of the newly formed Central American Republic, from which so much has been hoped in the way of order and peace.

The uprising in northwestern India has not yet been entirely subdued. The commander of the English forces has been preparing for a general movement against the insurgents, which he expects to execute early in this month. Some of the tribes have already submitted.

The dislodging of the forces entrenched in the mountain strongholds is not an easy task even for superior English military equipment and skill.

The arguments before the Behring Sea Commission at Halifax were completed on the 29ult. The decision of the Commissioners as to the amount of damages to be paid by the United States to Canadian sealers under the Paris award will be awaited with interest. If our country gets off with four hundred and twenty-five thousand dollars, the lump sum which Secretary Gresham proposed to pay, she may thank her stars, her lawyers, or somebody else. At the close of the arguments of counsel at Halifax, the Commissioners paid a high compliment to all who had had a share in presenting the case, and expressed the opinion that the Conference would mark a long step forward in international arbitration.

### THE PROSPECTS OF AN ARBITRATION TREATY.

BY CEPHAS BRAINERD.

In looking over the field, so far as one may upon the facts thus far disclosed, the most conservative friend of arbitration has, I think, the right to feel fairly satisfied with the conditions as they now exist. The criticism which followed the failure of the Senate to ratify the arbitration treaty seems mainly to have subsided and the sober second thought of the American people—indeed the people in all civilized lands—appears to have recurred, and the advocates of arbitration have recovered their normal condition of courage and of hope. Of late I have not observed that any important newspaper or periodical has taken the position that the failure of the treaty in the United States Senate was the most conclusive evidence that the Senate had become a useless and obstructive body; on the contrary, it seems to be conceded now that the minority—or at least some of the minority—acted from conscientious motives, and that there is really no very firm ground upon which to base an impeachment of the Senate. Doubtless the enthusiastic advocates of arbitration will allow the Senate to continue

awhile longer. The probability is that the friends of arbitration can go before the Senate in support of a properly drawn treaty without feeling that they are to be prejudiced by the past criticism of that body. In fact I am not at all sure that the minority cared very much for the kind of criticism that was lavished upon it.

The public advocacy of the treaty undoubtedly showed a very strong public sentiment in favor of some such convention, though perhaps I may be pardoned for saying that it seems to me quite doubtful whether the body of the people who joined in the advocacy in one form or another, fully understand its import and precisely what grounds of objections existed against it.

I doubt whether all of the advocates were prepared to say precisely what questions might come before the tribunal established by the Sixth article, in the event that one of the tribunals established under the Third or Fifth articles decided that the matter pending before them “involved the decision of a disputed question of principle of grave general importance affecting the national right” of one of the parties litigant. Of course they might say that this “disputed question of principle” was not to be decided at all; but most people would say that the question thus removed from the tribunal created under articles Three and Five must be decided by the tribunal created under article Six, for article Seven says “the same shall be dealt with by arbitration.” This would seem to indicate that this “disputed question” must receive a determination if really involved in the principal question.

If this be so, then the next question arising would be what matter, as between nations, would be excluded from hearing or determination. It is true that competent lawyers and statesmen—some of them in the highest degree eminent—insisted, in the advocacy of the treaty, that it did not involve any of these questions of national right or principle, such for instance as the so called “Monroe doctrine”; but for the purposes of Senatorial action, it was enough to say that there seems to have been no dissent in the Committee on Foreign Relations in regard to the need of amendments and presumably, among other things, in regard to the point here suggested.

In my judgment, there is scarcely a great question which might not be clearly held to be within the phraseology of the Seventh article. I am quite well aware that a very influential supporter of the treaty in the course of a speech in advocacy of it declared that you could not arbitrate a doctrine. That statement is probably about as correct as the declaration that the treaty was not open to fair debate on points of interpretation. It may be true, in technical phrase, that you cannot arbitrate a doctrine, but you can have a case which, in its adjudication, depends upon the conclusion of the court as to whether an alleged doctrine is well founded or not. Nor

is it apparent to the average man that there is any particular difference between a "doctrine and a disputed question of principle." So far as I have been able to consult lexicographers there appears to be little difference between the import or definition of the two words.

I concur fully in the sentiment expressed by the President of the American Peace Society at Mohonk that the defeat of the arbitration treaty was a "blessing in disguise." I think that defeat opened the way for a more practical and effective discussion of the whole subject than it has heretofore received before the largest audience. It presented a scheme of arbitration in the form of actual governmental action in a definite and written form, and the body of thinking people as a whole are now considering the matter, not as a theory, not as a dream, not as a condition, to be looked forward to in the far off future, to exist about the time of the opening of the millennium, but as an advance in international dealings to be actually realized long, long before the occurrence of that epoch; in short, as a thing to be done, so to speak, now. My own experience since the treaty came up for discussion has led me to believe that there still exists a great need for practical and serious discussion; indeed I found in one society composed of educated men a striking unwillingness to believe that arbitration was practical or desirable through a permanent treaty, and that too under circumstances of decided disappointment, for I had expected an almost unanimous concurrence in my own moderate view. I rejoice therefore that the present conditions are so favorable to a temperate and thorough and learned discussion of the whole subject, and that too before people whose attention has been attracted to a proposition for practical action.

It has not been my fortune to read the full proceedings of the Mohonk Conference or of that at Hamburg but the reports which the *ADVOCATE* has presented, indicate a disposition on the part of our friends to resume the discussion with most excellent temper, with greater earnestness, and, may I add, in the most temperate manner.

I rejoice greatly in this resolution passed at the Hamburg Conference:

"In common with the Interparliamentary Conference, it rejoices that responsible statesmen of two of the greatest powers of the world, the United States of America and Great Britain, have, by the project of a treaty which they had adopted, admitted the possibility of binding their respective countries by a permanent treaty of arbitration. It trusts that their example will be fruitful."

Here is a recognition of the great advance in the progress of our cause which that treaty marks. I do not think the friends of arbitration at large recognize the value of the act itself, even though it did not become a reality.

The sky is indeed very bright, there is hope every-

where; there is no room for discouragement. I do not think there has been even a "temporary check."

To the onward movements the American Peace Society is making its appropriate contributions, and not the least is its issue of a new translation of Kant's famous, but heretofore little read essay; now it is accessible to any who care to know the whole subject. Look at it now but one hundred and two years old, and note the advance. It has been called "a dream." But Kant says:

"It is a *practical task* whose solution will be gradually worked out. The goal will be gradually approached, and let us hope, because of the general progress of human society, that the day of its coming is drawing near." Permanent arbitration is involved in the "dream," and that doubtless is soon to be a fact.

NEW YORK CITY.

#### ADDRESS TO THE NATIONS OF THE FAR EAST.

The Baroness von Suttner, president of the Austrian Peace Society, and Mr. Henri Dunant, founder of the Red Cross Society, recently addressed the following letter to the Nations of the Far East, in the name of the friends of peace of the West:

"We Europeans who are engaged in an effort for the abolition of war address ourselves, by means of this letter, to the Asiatics of all races, nations, religions and opinions, to ask of them to labor with us in a brotherly spirit for the promotion of peace throughout the whole world.

Our so called European civilization came to us from the East. You were many centuries ahead of us. First of all we are compelled to admit, and we make the confession with profound regret, that during many centuries our European ancestors too often behaved themselves like barbarians towards the ancestors of the peoples of the Orient. Instead of profiting by your ancient civilizations and inviting you to advance in the pathway of a wise and peaceful progress, they unjustly despised your religions, your laws, your traditions, and often showed themselves avaricious and cruel. We ask you to forget and forgive this conduct, inseparable as it was from *the reign of violence* which, even up to the present day unfortunately, has governed the world.

But a new era is opening. The friends of peace are making a united effort to bring in the reign of peace and of justice. We desire to secure the coöperation of all generous spirits and thoughtful minds. It is for this purpose that we come to you and ask you to give us your hand. We are *peacemakers*. In coming to you we wish to be known by no other title than this, for it is sublime.

We ourselves belong to all sorts of nations, races, religions and schools of thought. Our sole aim is to try to put an end to wars, which everywhere cause so much misfortune and ruin. We desire to see concluded as soon as possible permanent arbitration treaties between all the nations of the globe. In the meantime, we believe that it is as natural and as easy to refer a dispute between two nations to an international arbitration tribunal as it is to submit to an impartial judge a difference between two individuals who cannot agree.